

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WELLS FARGO BANK,

Plaintiff,

v.

KEITH A. VANN,

Defendant.

No. C 12-04023 CRB

**ORDER DENYING MOTION AND EX
PARTE MOTION FOR
DECLARATORY JUDGMENT**

Defendant Keith Vann has filed a document entitled "Petitioner's Motion and Ex Parte Motion for Declaratory Judgment." See dk. 37. This Motion is DENIED. The Court remanded Defendant's case on August 10, 2012. See dk. 8. The Court terminated Defendant's case the same day. See dk. 10. The Court therefore lacks jurisdiction to adjudicate the merits of Defendant's Petition. See Moore v. Permanente Med. Grp., Inc., 981 F.2d 443, 445 (9th Cir. 1992) (district court is divested of jurisdiction on the merits after remand). Moreover, Defendant has filed an appeal in this case. See dk. 25. Generally, a district court lacks jurisdiction after a notice of appeal is filed. See Morris v. Morgan Stanley & Co., 942 F.2d 648, 654 (9th Cir. 1991). Defendant must seek his desired relief elsewhere.

IT IS SO ORDERED.

Dated: October 25, 2012



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE